



04/21/2023

CT Log Number 543697486

## Service of Process Transmittal Summary

**TO:** LEGAL DEPARTMENT - SOP  
 TESLA, INC.  
 901 PAGE AVE  
 FREMONT, CA 94538-7341

**RE:** Process Served in Virginia

**FOR:** TESLA ENERGY OPERATIONS, INC. (Domestic State: DE)

### ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

**TITLE OF ACTION:** Re: WILLIAM R. WIDMAIER // To: TESLA ENERGY OPERATIONS, INC.

**DOCUMENT(S) SERVED:** Proof, Summons, Complaint

**COURT/AGENCY:** Circuit Court of Fairfax County, VA  
 Case # CL20230006068

**NATURE OF ACTION:** Personal Injury - Vehicle Collision - 01/04/2022

**PROCESS SERVED ON:** C T Corporation System, Glen Allen, VA

**DATE/METHOD OF SERVICE:** By Process Server on 04/21/2023 at 14:56

**JURISDICTION SERVED:** Virginia

**APPEARANCE OR ANSWER DUE:** Within 21 days after such service

**ATTORNEY(S)/SENDER(S):** Gary B. Mims  
 FREI, MIMS & PERUSHEK, L.L.P.  
 3925 Chain Bridge Road, Suite 402  
 Fairfax, VA 22030  
 703-925-0500

**ACTION ITEMS:** CT has retained the current log, Retain Date: 04/24/2023, Expected Purge Date: 04/29/2023

Image SOP

Email Notification, LEGAL DEPARTMENT - SOP [legalsop@tesla.com](mailto:legalsop@tesla.com)

**REGISTERED AGENT CONTACT:** C T Corporation System  
 4701 Cox Road, Suite 285  
 Glen Allen, VA 23060  
 877-564-7529  
[MajorAccountTeam2@wolterskluwer.com](mailto:MajorAccountTeam2@wolterskluwer.com)

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT



**CT Corporation**  
**Service of Process Notification**

04/21/2023

CT Log Number 543697486

disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



## PROCESS SERVER DELIVERY DETAILS

**Date:** Fri, Apr 21, 2023  
**Server Name:** Drop Service

Entity Served	TESLA ENERGY OPERATIONS, INC.
Case Number	CL20230006068
Jurisdiction	VA

Inserts		



SPS

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

PROOF OF SERVICE

William R Widmaier  
Plaintiff

VS

Tesla Energy Operations INC et al.  
Defendant

CL-2023-0006068

Subtype: Summons/Complaint

Serve: Tesla Energy Operations INC

STATE OF \_\_\_\_\_

CITY/COUNTY OF \_\_\_\_\_, to wit:

This day \_\_\_\_\_

personally appeared before the undersigned Notary Public in and for the City/County and State  
aforesaid, and, having been first duly sworn according to law, deposes and states as follows: that  
he/she is not a party to, or otherwise interested in, the subject matter in controversy in the within  
cause, that he/she is over the age of 18 years; that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at  
\_\_\_\_\_ o'clock \_\_\_\_m. he/she served the within Complaint, in person, on the Defendant  
\_\_\_\_\_ at \_\_\_\_\_

\_\_\_\_\_ and the Defendant is / is not a  
resident of the State of Virginia.

\_\_\_\_\_  
AFFIANT

\_\_\_\_\_  
TITLE

Subscribed and sworn to before me in my City/County and State aforesaid, this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary ID #: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

My Commission expires: \_\_\_\_\_

SPS

COMMONWEALTH OF VIRGINIA  
CIRCUIT COURT OF FAIRFAX COUNTY  
4110 CHAIN BRIDGE ROAD  
FAIRFAX, VIRGINIA 22030  
703-691-7320  
(Press 3, Press 1)

William R Widmaier vs. Tesla Energy Operations INC et al.

CL-2023-0006068

TO: ✓ Tesla Energy Operations INC  
Serve: CT Corporation System  
4701 Cox Rd Ste 285  
Glen Allen VA 23060-6808

**SUMMONS – CIVIL ACTION**

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the Clerk's office of this Court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment or decree against such party either by default or after hearing evidence.

**APPEARANCE IN PERSON IS NOT REQUIRED BY THIS SUMMONS.**

Done in the name of the Commonwealth of Virginia, on April 20, 2023.

JOHN T. FREY, CLERK

By: Chaejoon A  
Deputy Clerk

**Plaintiff's Attorney: Gary B Mims**

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

WILLIAM R. WIDMAIER,

*Plaintiff,*

v.

TESLA ENERGY OPERATIONS,  
INC.

and

MALEK MEDLEY,

*Defendants.*

FILED  
CIVIL INTAKE

2023 APR 19 PM 2:37  
JUN 1 2023  
CLERK, CIRCUIT COURT  
FAIRFAX, VA

2023 6068

Case No.: \_\_\_\_\_

### COMPLAINT

William R. Widmaier moves this Court for judgment against Tesla Energy Operations, Inc. and Malek Medley, and in support thereof states as follows:

### PARTIES

1. Plaintiff is a resident of Fairfax County, Virginia.
2. Tesla Energy Operations, Inc. is a Delaware stock corporation with its principal office address at 1 Tesla Road, Austin, TX 78725.
3. Mr. Medley is a resident of Beltsville, MD.
4. At all relevant times in this Complaint, Mr. Medley was employed by Tesla Energy Operations, Inc. and was acting within the course and scope of his employment.

## **FACTS**

5. On or about January 4, 2022, Plaintiff was driving in Fairfax County, Virginia.

6. Plaintiff was traveling westbound on Old Dominion Drive.

7. At the same date and time, Mr. Medley was driving his vehicle eastbound on Old Dominion Drive.

8. At the intersection of Old Dominion Drive and Linway Terrace, Mr. Medley turned left across the path of Plaintiff.

9. At the time Mr. Medley approached the intersection, he had a duty to yield the right-of-way to vehicles approaching the intersection traveling west on Old Dominion Drive.

10. Mr. Medley's vehicle struck Plaintiff's vehicle head-on.

11. As a result of Mr. Medley's conduct, Plaintiff sustained serious and permanent injuries.

## **NEGLIGENCE**

12. The preceding paragraphs are incorporated.

13. Mr. Medley was negligent in his operation of his vehicle in, among other things:

- a. Failing to yield the right-of-way to Plaintiff;
- b. Failing to pay full time and attention;
- c. Failing to keep a proper lookout;
- d. Failing to keep his vehicle under proper control; and

e. Failing to travel at a safe speed.

14. Tesla Energy Operations, Inc. is vicariously liable for the negligence of Mr. Medley under the doctrine of *respondeat superior*.

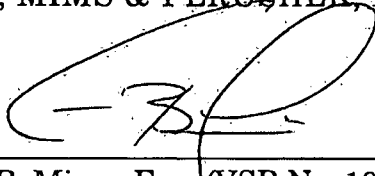
15. As a result of Defendants' negligence, Plaintiff sustained injuries and damages recoverable at law.

WHEREFORE, William R. Widmaier moves this Court for judgment against Tesla Energy Operations, Inc. and Malek Medley, jointly and severally, in the amount of five million dollars (\$5,000,000.00) in compensatory damages, with prejudgment interest from the date of injury forward, costs incurred, and any other relief this Court deems just.

**PLAINTIFF REQUESTS A TRIAL BY JURY**

WILLIAM R. WIDMAIER  
By counsel

FREI, MIMS & PERUSHEK, L.L.P.



Gary B. Mims, Esq. (VSB No. 19184)  
Benjamin C. Charlton, Esq. (VSB No. 92154)  
3925 Chain Bridge Road, Suite 402  
Fairfax, Virginia 22030  
Telephone: (703) 925-0500  
Facsimile: (703) 925-0501  
gary.mims@freimims.com  
ben.charlton@freimims.com  
*Counsel for Plaintiff*



VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

WILLIAM R. WIDMAIER,

*Plaintiff,*

v.

Case No.: 2023-6068

TESLA ENERGY OPERATIONS,  
INC., et al.,

*Defendants.*

**PLAINTIFF'S FIRST SET OF REQUESTS FOR PRODUCTION OF  
DOCUMENTS TO TESLA ENERGY OPERATIONS, INC.**

William R. Widmaier under the Rules of the Supreme Court of Virginia,  
serves the following requests on Tesla:

**REQUESTS**

1. All statements made by Defendant Malek Medley about the collision giving rise to this case.
2. All statements made by you, other than statements to your counsel, about the collision.
3. All statements made by Mr. Widmaier.
4. All photographs, videos, diagrams, and other pictorial documentation of the cars involved in the collision, the scene of the collision, Mr. Medley, or Mr. Widmaier.

5. All property damage reports, damage estimates, and other documents describing the damage sustained by either of the vehicles involved in the collision.

6. All black box and similar data for either of the vehicles involved in the collision.

WILLIAM R. WIDMAIER  
By counsel

FREI, MIMS & PERUSHEK, L.L.P.

A handwritten signature in black ink, appearing to read 'G. B. Mims', is written over a horizontal line.

Gary B. Mims, Esq. (VSB No. 19184)  
Benjamin C. Charlton, Esq. (VSB No. 92154)  
3925 Chain Bridge Road, Suite 402  
Fairfax, Virginia 22030  
Telephone: (703) 925-0500  
Facsimile: (703) 925-0501  
gary.mims@freimims.com  
ben.charlton@freimims.com  
*Counsel for Plaintiff*

VIRGINIA: IN THE CIRCUIT COURT OF FAIRFAX COUNTY

WILLIAM R. WIDMAIER,

Plaintiff,

v.

Case No. 2023-6068

TESLA ENERGY OPERATIONS, INC., and  
MALEK MEDLEY,

Defendants.

**ANSWER**

NOW COME the defendants, Malek Medley and Tesla Energy Operations, Inc. (“Tesla Energy Operations,” collectively with Mr. Medley hereinafter, “Defendants”), by counsel, and for their Answer to Plaintiff’s Complaint, state as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted that Mr. Medley was turning left at the intersection of Old Dominion Drive and Linway Terrace. The remainder of the allegations contained in Paragraph No. 8 is denied.
9. The allegations contained in Paragraph No. 9 call for a legal conclusion, and thus no response is required. To the extent a response is required, Defendants deny that Mr. Medley breached any duty of care under the law.

10. Admitted that Plaintiff's vehicle struck Mr. Medley's vehicle. The remainder of the allegations contained in Paragraph No. 10 is denied.

11. Denied.

12. Defendants incorporate, by reference, their responses to Paragraphs Nos. 1 through 11 of the Complaint as set forth therein.

13. Defendants deny the allegations contained in Paragraph No. 13, including sub-parts (a) through (e) therein.

14. Admitted that Mr. Medley was acting within the scope of employment with Tesla Energy Operations at the time of the accident. The remainder of the allegations contained in Paragraph No. 14 is denied.

15. Denied.

16. Defendants hereby deny all allegations in the Complaint that were not specifically admitted herein.

17. Defendants deny all alleged negligence and liability against them, and call for strict proof thereof.

18. Defendants demand strict proof of each and every element of damages claimed.

19. Defendants deny that they are indebted to Plaintiff in any amount.

20. Defendants affirmatively assert that Plaintiff's own negligence or lack of due care, in whole or in part, caused or contributed to the alleged accident and injuries, thereby barring recovery. Plaintiff failed to keep a proper lookout, failed to keep his vehicle under proper control, exceeded the reasonable speed under the circumstances, and failed to exercise ordinary and reasonable care under the circumstances.

21. Defendants affirmatively assert that Plaintiff assumed the risk of the alleged incident and injuries, thereby barring recovery.

22. Defendants will rely upon any and all properly provable defenses to the allegations and claims in the Complaint and, therefore, reserve the right to amend this Answer.

23. Defendants reserve the right to remove this action to the United States District Court for the Eastern District of Virginia, Alexandria Division, pursuant to 28 U.S.C. § 1332, 1441 and 1446.

**JURY DEMAND**

Defendants, by counsel, hereby give notice of their demand for trial by jury of all claims and issues in this matter.

This 11<sup>th</sup> Day of May, 2023.

Respectfully submitted,

TESLA ENERGY OPERATIONS, INC. and  
MALEK MEDLEY

By: \_\_\_\_\_



Kevin L. Keller (VSB No. 30731)  
Joseph P. Moriarty (VSB No. 68465)  
Bryn L. Clegg (VSB No. 96923)  
WILLCOX SAVAGE, P.C.  
440 Monticello Avenue, Suite 2200  
Norfolk, Virginia 23510-2243  
Telephone: 757-628-5500  
Facsimile: 757-628-5566  
[kkeller@wilsav.com](mailto:kkeller@wilsav.com)  
[jmoriarty@wilsav.com](mailto:jmoriarty@wilsav.com)  
[bclegg@wilsav.com](mailto:bclegg@wilsav.com)  
*Counsel for Defendants Tesla Energy Operations, Inc.  
and Malek Medley*

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was served via E-mail and U.S. Mail, postage prepaid, this 11<sup>th</sup> day of May, 2023 to:

Gary B. Mims, Esquire  
Benjamin C. Charlton, Esquire  
Frei, Mims and Perushek LLP  
3925 Chain Bridge Road, Suite 402  
Fairfax, Virginia 22030  
Telephone: 703-925-0500  
Facsimile: 703-925-0501  
[gary.mims@freimims.com](mailto:gary.mims@freimims.com)  
[ben.charlton@freimims.com](mailto:ben.charlton@freimims.com)  
*Counsel for Plaintiff William R. Widmaier*

